

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

ANTHONY WRIGHT, DANIEL )  
HANSEN, and KENNETH PRIVETTE, )  
Individually and on behalf of all )  
others similarly situated ) Civil Action No. 2:17-cv-02654-DCN  
 )  
*Plaintiff(s),* )  
 )  
v. )  
 )  
WASTE PRO USA, INC., WASTE PRO OF )  
FLORIDA, INC., WASTE PRO OF )  
SOUTH CAROLINA, INC., and )  
WASTE PRO OF NORTH CAROLINA, INC. )  
 )  
*Defendant(s).* )  
 )  
 )

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**DEFENDANT WASTE PRO USA, INC.’S  
MOTION TO DISMISS PLAINTIFFS’ AMENDED COMPLAINT**

COMES NOW Defendant WASTE PRO USA, INC. (“Waste Pro USA”), by and through its undersigned counsel, and hereby moves to dismiss the Amended Complaint (Doc. 5) filed by Plaintiffs ANTHONY WRIGHT, DANIEL HANSEN, and KENNETH PRIVETTE (collectively “Plaintiffs”), for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim, pursuant to Rules 12(b)(1), (b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, respectively. Waste Pro USA also seeks the dismissal of Plaintiffs’ North Carolina state law claim for overtime compensation on preemption grounds. The grounds and authorities supporting this Motion are set forth in the accompanying Memorandum of Law.

WHEREFORE, Waste Pro USA, Inc. respectfully requests that the Court:

- (1) Dismiss Plaintiffs’ Amended Complaint with prejudice; and
- (2) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 14<sup>th</sup> day of November, 2017.

LAW OFFICE OF LEAH B. MOODY, LLC

By: /s/ Leah B. Moody  
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*Counsel for Defendant Waste Pro USA, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the below-named attorney on this 14<sup>th</sup> day of November, 2017.

HAND DELIVERY  
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/s/ Leah B. Moody  
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